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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,061	10/31/2003	Soumya Banerjee	1778.0220000	7765

26111 7590 08/07/2006

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EXAMINER
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JOHNSON, BRIAN P

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,061	<b>Applicant(s)</b> BANERJEE ET AL.	
	<b>Examiner</b> Brian P. Johnson	<b>Art Unit</b> 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on May 30<sup>th</sup>, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-46 are pending.

***Papers Filed***

2. Examiner acknowledges receipt amendments and remarks filed on May 30<sup>th</sup>, 2006.

***Title***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

In particular, the word "recoder" is not commonly known in the art, and the reader of Applicant's current title would have little basis on which to judge the content and novelty of Applicant's invention based on the title alone.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 23-30 and 45-46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. An amendment filed by Applicant on May 30<sup>th</sup>, 2006 has limited these claims to "computer readable storage medium"; however, Applicant's current specification does not particular distinguish a storage

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medium from a transmission medium. Examiner recommends the following change to paragraph [0068] of Applicant's specification to clarify the issue:

*Such software can be disposed in any known computer usable storage medium including semiconductor, magnetic disk, optical disc (e.g., CD-ROM, DVD-ROM, etc.) ~~and~~ or as a computer data signal embodied in a computer usable (e.g., readable) transmission medium (e.g., carrier wave or any other medium including digital, optical, or analog-based medium). As such, the software can be transmitted over communication networks including the Internet and intranets.*

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubota et al. (U.S. Patent No. 6,167,505) hereinafter referred to as Kubota.

8. As per claim 1, Kubota discloses an instruction fetch unit for a processor, comprising:

a first recoder; (Fig. 2 decoder 160)

and a second recoder (Fig. 2 Ext registers 172 and 174 in combination with Immediate Generation Circuit 170) coupled to the first recoder, *The examiner asserts that the recoders are coupled by means of the bus shown in Fig. 2.*

wherein the first recoder passes information regarding a first instruction (prefix instruction) to the second recoder, and the second recoder recodes a second instruction (target instruction) based on the information passed by the first recoder. (Col. 9 lines 19-36 and lines 52-57)

9. As per claim 2, Kubota discloses the instruction fetch unit of claim 1, further comprising: an instruction-staging unit coupled to the first recoder and the second recoder that dispatches an instruction from an instruction cache to one of the first recoder and the second recoder. *The examiner asserts that there must inherently exist a dispatch unit to move instructions from instruction register 150 (Fig. 2) to the recoders (decoder 160 and combination of parts 170, 172, 174). Without a means to dispatch an instruction to either of the decoders, no instruction would be able to be executed in Kubota's system.*

10. As per claim 3, Kubota discloses the instruction fetch unit of claim 1, wherein the processor executes instructions having X-bits and belonging to a first instruction set (instructions having 16-bits of length. Examples pictured in Figs. 7 and 9) and instructions having Y-bits and belonging to a second instruction set (Instructions having

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32-bits of length. Examples pictured in Figs. 8 and 10), Y being greater than X, and wherein the first recoder and the second recoder recode an instruction belonging to one of the first instruction set and the second instruction set to form a recoded instruction having at least Y-bits. (Col. 9 line 58 – col. 10 line 12)

11. As per claim 4, Kubota discloses the instruction fetch unit of claim 3, wherein each instruction of the first instruction set has 16-bits and each instruction of the second instruction set has 32-bits. (Col. 9 line 58 – col. 10 line 12)

12. As per claim 5, Kubota discloses the instruction fetch unit of claim 3, wherein the first instruction set includes an expand instruction used to enlarge an immediate field of an expandable instruction of the first instruction set, (Col. 8 lines 43-49) and wherein the first recoder passes at least one bit of the expand instruction to the second recoder thereby allowing the second recoder to recode the expandable instruction. (Col. 10 lines 20-26)

13. As per claim 6, Kubota discloses the instruction fetch unit of claim 5, wherein the at least one bit of the expand instruction is concatenated to at least one bit of the expandable instruction. (Col. 10 lines 9-13)

14. As per claim 7, Kubota discloses the instruction fetch unit of claim 3, wherein the first instruction set includes a mode-switching instruction that switches the operating

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mode of the processor, and wherein the first recoder passes one or more bits to the second recoder thereby allowing the second recoder to recode the mode-switching instruction. (Col. 18 lines 48-67) *The examiner asserts that a branch instruction constitutes a mode-switch instruction as the flow of a program switches along with the processor taking the branch path.*

15. As per claim 8, Kubota discloses the instruction fetch unit of claim 7, wherein the one or more bits are concatenated to at least one bit of the mode-switching instruction. (Col. 18 lines 48-67)

16. As per claim 9, Kubota has taught a processor employing the fetch unit of claim 1, consequently claim 9 is rejected for the same reasons set forth in the rejection of claim 1 above.

17. As per claim 10, Kubota has taught a processor employing the fetch unit of claim 2, consequently claim 10 is rejected for the same reasons set forth in the rejection of claim 2 above.

18. As per claim 11, Kubota has taught a processor employing the fetch unit of claim 3, consequently claim 11 is rejected for the same reasons set forth in the rejection of claim 3 above.

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19. As per claim 12, Kubota has taught a processor employing the fetch unit of claim 4, consequently claim 12 is rejected for the same reasons set forth in the rejection of claim 4 above.

20. As per claim 13, Kubota has taught a processor employing the fetch unit of claim 5, consequently claim 13 is rejected for the same reasons set forth in the rejection of claim 5 above.

21. As per claim 14, Kubota has taught a processor employing the fetch unit of claim 6, consequently claim 14 is rejected for the same reasons set forth in the rejection of claim 6 above.

22. As per claim 15, Kubota has taught a processor employing the fetch unit of claim 7, consequently claim 15 is rejected for the same reasons set forth in the rejection of claim 7 above.

23. As per claim 16, Kubota has taught a processor employing the fetch unit of claim 8, consequently claim 16 is rejected for the same reasons set forth in the rejection of claim 8 above.



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24. As per claim 17, Kubota has taught a processing system employing the fetch unit of claim 1, consequently claim 17 is rejected for the same reasons set forth in the rejection of claim 1 above.

25. As per claim 18, Kubota has taught a processing system employing the fetch unit of claim 2, consequently claim 18 is rejected for the same reasons set forth in the rejection of claim 2 above.

26. As per claim 19, Kubota has taught a processing system employing the fetch unit of claim 3, consequently claim 19 is rejected for the same reasons set forth in the rejection of claim 3 above.

27. As per claim 20, Kubota has taught a processing system employing the fetch unit of claim 4, consequently claim 20 is rejected for the same reasons set forth in the rejection of claim 4 above.

28. As per claim 21, Kubota has taught a processing system employing the fetch unit of claim 5, consequently claim 21 is rejected for the same reasons set forth in the rejection of claim 5 above.

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29. As per claim 22, Kubota has taught a processing system employing the fetch unit of claim 6, consequently claim 22 is rejected for the same reasons set forth in the rejection of claim 6 above.

30. As per claim 23, Kubota has taught a computer readable medium comprising a microprocessor core employing the fetch unit of claim 1, consequently claim 23 is rejected for the same reasons set forth in the rejection of claim 1 above.

31. As per claim 24, Kubota has taught a computer readable medium comprising a microprocessor core employing the fetch unit of claim 2, consequently claim 24 is rejected for the same reasons set forth in the rejection of claim 2 above.

32. As per claim 25, Kubota has taught a computer readable medium comprising a microprocessor core employing the fetch unit of claim 3, consequently claim 25 is rejected for the same reasons set forth in the rejection of claim 3 above.

33. As per claim 26, Kubota has taught a computer readable medium comprising a microprocessor core employing the fetch unit of claim 4, consequently claim 26 is rejected for the same reasons set forth in the rejection of claim 4 above.

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34. As per claim 27, Kubota has taught a computer readable medium comprising a microprocessor core employing the fetch unit of claim 5, consequently claim 27 is rejected for the same reasons set forth in the rejection of claim 5 above.

35. As per claim 28, Kubota has taught a computer readable medium comprising a microprocessor core employing the fetch unit of claim 6, consequently claim 28 is rejected for the same reasons set forth in the rejection of claim 6 above.

36. As per claim 29, Kubota has taught a computer readable medium comprising a microprocessor core employing the fetch unit of claim 7, consequently claim 29 is rejected for the same reasons set forth in the rejection of claim 7 above.

37. As per claim 30, Kubota has taught a computer readable medium comprising a microprocessor core employing the fetch unit of claim 8, consequently claim 30 is rejected for the same reasons set forth in the rejection of claim 8 above.

38. As per claim 31, Kubota discloses a method for recoding instructions for execution by a computer readable medium comprising a microprocessor core, comprising:

(a) fetching an expand instruction (prefix instruction) and an expandable instruction (target instruction) from an instruction cache; *The examiner asserts that there must inherently exist a dispatch unit to move instructions from instruction register*

150 (Fig. 2) to the recoders (decoder 160 and combination of parts 170, 172, 174). Without a means to dispatch an instruction to either of the decoders, no instruction would be able to be executed in Kubota's system.

(b) dispatching the expand instruction to a first recoder and dispatching the expandable instruction to a second recoder; (Col. 9 lines 19-36 and lines 52-57)

(c) generating at the first recoder at least one information bit based on the expand instruction; (Col. 10 lines 20-26) *The examiner asserts that the immediate data is generated from the first instruction in order for it to be passed to the second recoder.*

and (d) recoding the expandable instruction at the second recoder using the at least one information bit generated at the first recoder. (Col. 10 lines 20-26) *The examiner asserts that the second recoder recodes the second instruction by adding the data from the first instruction to an immediate field in the second.*

39. As per claim 32, Kubota discloses the method of claim 31, wherein step (a) comprises:

(i) fetching the expand instruction during a first clock cycle of the computer readable medium comprising a microprocessor core; and

(ii) fetching the expandable instruction during a subsequent clock cycle of the computer readable medium comprising a microprocessor core. *Fig. 5 depicts fetching an EXT instruction (prefix instruction) in clock cycle number 2 and an LD instruction (target instruction) in the subsequent clock cycle.*

40. As per claim 33, Kubota discloses the method of claim 31, wherein the at least one information bit based on the expand instruction is generated at the first recoder during a first clock cycle of the processor, and the expandable instruction is recoded at the second recoder during a second clock cycle of the computer readable medium comprising a microprocessor core. *Fig. 5 depicts fetching an EXT instruction (prefix instruction) in clock cycle number 2 and an LD instruction (target instruction) in the subsequent clock cycle. When the EXT\_LOW signal 550 is high in clock cycle number three, the data from the target instruction is combined with the data from the previous EXT instruction (col. 12 lines 21-31).*

41. As per claim 34, Kubota discloses the method of claim 33, further comprising a step between steps (c) and (d) of:

storing the at least one information bit generated at the first recoder in an information storage buffer. *The examiner asserts that registers EXT1 and EXT2 (Fig. 2) constitute storage buffers. Col. 12 lines 21-31 indicate that data has been stored therein.*

42. As per claim 35, Kubota discloses a method for recoding instructions for execution by a processor, comprising:

fetching a plurality of instructions from an instruction cache (Fig. 2 instruction register 150), wherein the plurality of instructions includes a first instruction (prefix instruction) and a second instruction (target instruction), and the first instruction is

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different from the second instruction; *The examiner asserts that the instructions must inherently be fetched before being decoded.*

dispatching the first instruction to a first recoder and the second instruction to a second recoder; (Col. 9 lines 19-36 and lines 52-57)

and recoding the first and second instructions within a single clock cycle. *The examiner asserts that there exists a single clock cycle in which the results of the combination of immediate data from the first and second instructions becomes valid. This is the cycle in which the instructions are considered to be "recoded."*

43. As per claim 36, Kubota discloses the method of claim 35, wherein the recoding of the second instruction is performed using information from the first instruction. (Col. 12 lines 21-31)

44. As per claim 37, Kubota discloses the method of claim 35, further comprising forwarding information from the first recoder to the second recoder, such information used by the second recoder to perform a recoding operation. (Col. 12 lines 21-31)

45. As per claim 38, Kubota discloses an instruction fetch unit for a processor comprising:

- a first recoder (Fig. 2 decoder 160);
- and a second recoder (Fig. 2 Ext registers 172 and 174 in combination with Immediate Generation Circuit 170) which operates in parallel with the first recoder;

wherein the first recoder recodes a first instruction and the second recoder recodes a second instruction within a single clock cycle, and the first instruction is different from the second instruction. (Col. 9 lines 19-36 and lines 52-57) *The examiner asserts that there exists a single clock cycle in which the results of the combination of immediate data from the first and second instructions becomes valid. This is the cycle in which the instructions are considered to be "recoded."*

46. As per claim 39, Kubota discloses the instruction fetch unit of claim 38, wherein the second recoder recodes the second instruction using information from the first instruction. (Col. 12 lines 21-31)

47. As per claim 40, Kubota discloses the instruction fetch unit of claim 39, wherein the first recoder is coupled to the second recoder. *Fig. 2 discloses the two recoders being coupled together by means of a bus.*

48. As per claim 41, Kubota discloses the instruction fetch unit of claim 1, wherein the first instruction is used to enlarge a field of the second instruction and the information is at least one bit of the first instruction. (Col. 9 lines 19-36 and lines 52-57)

49. As per claim 42, Kubota discloses the instruction fetch unit of claim 41, wherein the first instruction is an expand instruction, the second instruction is an expandable instruction and the field is an immediate field. (Col. 9 lines 19-36 and lines 52-57)

50. As per claim 43, Kubota has taught a processor employing the fetch unit of claim 41, consequently claim 43 is rejected for the same reasons set forth in the rejection of claim 41 above.

51. As per claim 44, Kubota has taught a processor employing the fetch unit of claim 42, consequently claim 44 is rejected for the same reasons set forth in the rejection of claim 42 above.

52. As per claim 45, Kubota has taught a computer readable medium comprising a microprocessor core employing the fetch unit of claim 41, consequently claim 45 is rejected for the same reasons set forth in the rejection of claim 41 above.

As per claim 46, Kubota has taught a computer readable medium comprising a microprocessor core employing the fetch unit of claim 42, consequently claim 46 is rejected for the same reasons set forth in the rejection of claim 42 above.

### ***Response to Arguments***

1. Applicant's arguments filed May 30<sup>th</sup>, 2006 have been fully considered but they are not persuasive.

2. Applicant states:



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*"Applicants have amended the Title to make it more descriptive as requested by the Examiner. The new Title is 'Computer Architecture for Recording Instructions, and Applicants thereof.'"*

Examiner asserts that the title is still non-descriptive; see objection above.

3. Applicant states:

*"...in order to expedite allowance of the present applicant in view of new examination guidelines relating to 35 U.S.C. 101, Applicants have amended claims 23-30, 45 and 46 to make it clear that claims 23-30, 45 and 46 are directed to a tangible computer readable storage medium comprising a microprocessor core embodied in software."*

Examiner asserts that the claims is still directed to non-statutory subject matter.

Please consider Examiner's suggestion to the specification.

4. Applicant states:

*"Kubota does not anticipate the combination of features recited in independent claim 1. For example, nowhere does Kubota disclose or suggest a recoder or using a recoder. A recoder is used to recode a first instruction having a first bit-width to a second instruction having a second bit-width prior to instruction decoding and execution. Because Kubota does not disclose or suggest the combination of features recited in independent claim 1, claim 1 is patentable over Kubota."*

Examiner disagrees. In light of Applicants contention that Kubota does not disclose a recoder, Examiner completed a thorough examination of Applicant's specification in order to determine the appropriate amount of patentable weight to give to a recoder. Examiner asserts that the specification gives no definition of the term recoder requiring a limitation beyond the scope of the current (and previous) rejection. Examiner asserts that the limitations Applicant suggest are, at best, features of Applicant's invention and not a distinctive definition that deserves patentable weight into the claims. Examiner also asserts that a recoder is not commonly known in the art.

The dictionary at fuldoc.org (an online dictionary of computing) has no record of a "recoder".

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

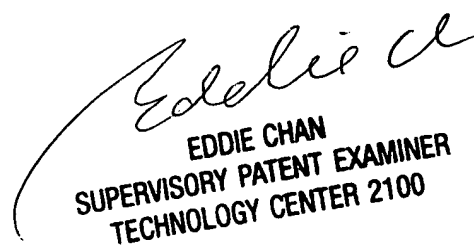
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Johnson whose telephone number is (571) 272-2678. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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